



February 13, 2023

The Honorable Sarah Netburn  
United States Magistrate Judge  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square Room 430  
New York, NY 1000

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et. al.*, Case No. 22 Civ 2435 (LLS) (SN)

Dear Judge Netburn:

We represent Plaintiff Lynne Freeman in the above-referenced action. This letter regards the portion of your Order dated January 31, 2023, which provides that any motion to compel should be brought by February 17, 2023 (ECF 118).

Pursuant to the Order issued on October 31, 2022 (ECF 75), it was my understanding that the parties had to and including the last day of fact discovery to have any discovery motion heard by the Court. In reliance on that Order, Plaintiff served Defendants written discovery requests regarding damages on February 3 and 6, 2023. This was done so that Plaintiff would have time to make any motion relating to Defendants' responses prior to the current March 15, 2022, discovery cut-off.

Undersigned counsel has not filed discovery motions earlier in reliance on the Order that the parties had up until the last day of fact discovery to do so and I had to conduct further investigation and research regarding certain of the discovery issues. The parties scheduled a meet and confer Wednesday, February 8, 2023, so that both sides could discuss currently contemplated discovery motions, and whether resolution was possible. Unfortunately, undersigned counsel had to reschedule the meet and confer to prepare witnesses for a hearing that was taking place the next day, and Defendants were not available until today, February 13. The parties had a lengthy meet and confer and there are still open issues which are currently under discussion. However, regardless of the outcome of those issues, Plaintiff intends to file a number of discovery motions. At the very least, Plaintiff requires an additional week to prepare and file those motions.

The parties will be taking depositions in this case up to the last day of the fact discovery deadline. Plaintiff would like to be able to bring a discovery motion in connection with those depositions, if necessary.

Also, the documents provided by Defendants currently under review total more than 40,000 including approximately 15,000 pages of text messages. Undersigned counsel is reviewing a portion of the unredacted versions which have been provided on an "attorney's eyes only" basis

11766 Wilshire Boulevard  
Suite 1470  
Los Angeles, California 90025

PHONE (310) 861-2470  
FAX (310) 861-2476  
EMAIL mark@csrlawyers.com  
WEBSITE www.markpassin.com

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with a two-week deadline. Even reviewing a portion of the unredacted documents and comparing them to the redacted documents has been a time consuming task.

Prior to receiving the unredacted versions of the text messages, we estimated that approximately 70% of the texts produced by Defendant Tracy Wolff had been redacted, and 8% of the texts produced by Defendant Kim had been redacted based on a sample of the texts. Thus, it was impracticable, if not impossible, for undersigned to review all of the redactions in the two week time period. Portions of the redacted material should not have been redacted, and a motion will be necessary, as some of the redacted material concerns book edits.

Plaintiff respectfully requests that the parties time to file discovery motions relating to written discovery be continued to March 15, 2022, consistent with the Court's October 31, 2022 Order, and that the parties have to and including one week after the last fact deposition in the case is taken to file a motion regarding any of the depositions.

Counsel for Defendants do not consent to the request.

Thank you for your consideration of this matter.

Respectfully submitted,

**CSReeder, PC**



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Mark D. Passin  
11766 Wilshire Boulevard,  
Suite 1470  
Los Angeles, CA 90025  
310-861-2475

**REITLER KAILAS & ROSENBLATT  
LLP**

Paul V. LiCalsi  
885 Third Avenue, Ste 20th Floor  
New York, NY 10022  
212-209-3090  
[plicalsi@reitlerlaw.com](mailto:plicalsi@reitlerlaw.com)

*Attorneys for Plaintiff* Freeman

11766 Wilshire Boulevard Suite 1470 Los Angeles, California 90025
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PHONE	(310) 861-2470
FAX	(310) 861-2476
EMAIL	<a href="mailto:mark@csrlawyers.com">mark@csrlawyers.com</a>
WEBSITE	<a href="http://www.markpassin.com">www.markpassin.com</a>

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cc: All counsel of record (via ECF)

11766 Wilshire  
Boulevard  
Suite 1470  
Los Angeles, California  
90025

PHONE (310) 861-2470  
FAX (310) 861-2476  
EMAIL [mark@csrlawyers.com](mailto:mark@csrlawyers.com)  
WEBSITE [www.markpassin.com](http://www.markpassin.com)